

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	BI ET AL.)	
)	Examiner P. Desir
Appl. No.	10/749,021)	
)	Art Unit 2681
Confirm. No.	8438)	
)	Atty. Docket No. CS23442RL
Filed:	30 December 2003)	
Title:	"Broadcast/Multicast Services In Wireless Communications Networks"		

PRE-APPEAL BRIEF REVIEW REQUEST

Assistant Commissioner for Patents
Alexandria, Virginia 22313

Sir:

Review Request, Claims Pending

The application stands subject to a final Office action mailed on 3 November 2007. Pre-appeal brief review is respectfully requested. A notice of appeal has been filed concurrently. The claims have not been amended subsequent to the final rejection. Claims 20-23, 25 and 27-37 are pending.

Rejection Under 35 USC 112, 1st Paragraph

The Examiner asserts that the term "downlink channel" constitutes new matter for lack of support in the original disclosure.

Contrary to the Examiner's assertion, those of ordinary skill understand a "downlink channel" to be a transmission that originates from a base station or other network infrastructure entity to a wireless communication terminal. The broadcast/multicast service transmissions disclosed in the instant application are downlink transmission. To the extent that these downlink transmission includes multiple channels, they are downlink channels. Kindly withdraw the rejection under 35 USC 112, first paragraph.

Arguments re: Khayrallah

Claims 10, 13-14 and 17-21 stand rejected under 35 USC 102(e) as being anticipated by U.S. Publication No. 2003/0200499 (Khayrallah).

Regarding Claim 20, Khayrallah fails to disclose a

... method in wireless communications device, the method comprising:

receiving a message identifying a channel on which content will be transmitted;

receiving first layer content information on a first channel;

receiving second layer content information on a second channel,

at least one of the first and second channels identified in the message,

the first and second layer content information is encrypted,

decrypting the first layer content information with a first key,

decrypting the second layer content information with a second key that is different than the first key.

The Examiner's assertion that the first and second layer content information is encrypted with different encryption keys is erroneous. At paragraphs [0028 & 0029], Khayrallah discusses error correction coding (FEC) data segments (K_1 , K_2 , K_3) transmitted on different channels (1, 2, 3). Error

correction coding however is not the same as encryption. Error correction coding is used to maintain the integrity of data transmitted over a noisy channel. FEC works by transmitting redundant information. At paragraph [0022], Khayrallah indicates that FEC enables a receiver to reconstruct original information when less than all of the encoded symbols are received. In contrast, encryption is a process of transforming information so that it is undecipherable without a decryption key. Thus the first and second layer content information in Khayrallah is not encrypted. Moreover the information on the different channels of Khayrallah does not require separate keys to decrypt. Claim 20 is thus patentably distinguished over the Khayrallah.

Arguments re: Trossin & Khayrallah

Claims 27-30, 32 and 34-37 stand rejected under 35 USC 103(a) as being unpatentable over Trossin in view of Khayrallah.

Regarding Claim 27, Trossin and Khayrallah fail to suggest a

... method in wireless communications network infrastructure entity, the method comprising:
transmitting first layer broadcast/multicast service content information on a first channel;
transmitting second layer broadcast/multicast service content information on a second channel,
the first and second channels are downlink channels, at least one of the first and second channels is a shared broadcast channel,
the first layer broadcast/multicast service content information related to the second layer broadcast/multicast service content information;
encrypting the first and second layer broadcast/multicast service content information using different encryption keys before transmitting.

The Examiner concedes that Trossin does not disclose encrypting first and second layer broadcast/multicast service content using different encryption keys before transmitting. At paragraphs [0028 & 0029], Khayrallah discusses error correction coding (FEC) data segments (K_1 , K_2 , K_3) transmitted on different channels (1, 2, 3). Error correction coding however is not the same as encryption. Error correction coding is used to maintain the integrity of data transmitted over a noisy channel. FEC works by transmitting redundant information. At paragraph [0022], Khayrallah indicates that FEC enables a receiver to reconstruct original information when less than all of the encoded symbols are received. In contrast, encryption is a process of transforming information so that it is undecipherable without a decryption key. Thus the first and second layer content information in Khayrallah is not encrypted. Moreover the information on the different channels of Khayrallah does not require separate keys to decrypt. Claim 27 is thus patentably distinguished over Trossin and Khayrallah.

Regarding Claim 36, Trossin and Khayrallah fail to suggest a

... method in broadcast/multicast subscriber device, the method comprising:
receiving first layer content information on a first channel;
receiving second layer content information on a second channel,
at least one of the first and second channels a shared broadcast channel,
decrypting the first layer content information with a first key and
decrypting the second layer content information with a second key that
is different than the first key.

As discussed above, since Khayrallah does not disclose encrypting first and second layer content information in with different encryption keys, there is no reason for Khayrallah to suggest "... decrypting

the first layer content information with a first key and decrypting the second layer content information with a second key that is different than the first key." Claim 36 is thus patentably distinguished over Trossin and Khayrallah.

Prayer For Relief

In view of the discussion above, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and allow the application to issue as a patent without further delay.

Respectfully submitted,

/ ROLAND K. BOWLER II /

ROLAND K. BOWLER II 7 JAN. 2008
REG. No. 33,477

MOTOROLA, INC.
INTELLECTUAL PROPERTY DEPT. (RKB)
600 NORTH U.S. HIGHWAY 45, W4-37Q
LIBERTYVILLE, ILLINOIS 60048

TELEPHONE NO. (847) 523-3978
FACSIMILE NO. (847) 523-2350